

INSTRUCTIONS

Read all forms and instructions before starting. Fill out forms by printing in blue ink or typing. Do not fill in un-numbered blanks on forms. You are the “Respondent”. Your spouse is the “Petitioner”.

Arizona Rules of Family Law Procedure: The Arizona Rules of Family Law Procedure describe the procedures and forms required in family law cases. You can read the Rules at the Law Library or online at <www.supreme.state.az.us/rules/ramd_pdf/R-05-0008.pdf>.

WARNING: Depending on the circumstances of your case, the Arizona Rules of Family Law Procedure may require you to complete procedures and forms not covered in this packet. You are required to read and follow all of the rules. If you do not, the court may impose sanctions on you. At a minimum, you must read and understand Section II, on Pleadings and Motions, Section VII, on Discovery and Disclosure, and Rule 92, on Civil Contempt and Sanctions for Non-Compliance with a Court Order.

Seeing an Attorney: It is always advisable to see an attorney to protect your legal rights and understand your legal responsibilities. An attorney can explain your complex options for custody, dividing property and debts, and dividing tax dependency exemptions and can advise you on what’s best for you and your family.

Notaries: Some forms must be signed in front of a notary. Notaries are at most banks or listed in the Yellow Pages. The person signing must bring photo ID. Notaries usually charge a fee.

Filing Fee: To find the fee to file court papers, see the Self-Help Center packet *Superior Court Filing Fees* or call the Clerk’s Office at 928-779-6535. The Clerk’s Office accepts only cash, money orders, and cashier’s checks payable to “Clerk of Superior Court”. If you can’t afford the fee, see the Self-Help Center packet *Filing Fee Deferral at the Start of Your Case*.

Filing Forms with the Court: Take or mail forms to be filed to the Clerk of Superior Court, 200 N. San Francisco St., Flagstaff, AZ 86001. Submit the original, one copy for yourself, and one copy for each person you must give a copy to, if any. The Clerk will stamp your copies with the filing date and return them to you. If you file by mail, include a self-addressed, stamped envelope and a note asking the Clerk to return the copies.

Domestic Violence: If the other party has committed or threatened to commit physical violence against you or your children, and you do not want the other party to know your address: 1) use a post office box on all your court forms or 2) see Rule 7, Arizona Rules of Family Law Procedure. See the Self-Help Center *Arizona Order of Protection Packet* if you need a court to order the other party to stay away from you.

Continuing group health benefits: In many cases, federal law lets an employee’s spouse and children temporarily continue group health benefits under the employer’s plan after the employee and spouse are legally separated or divorced. To qualify for this extension, you or your spouse must notify the employer of your separation or divorce within 60 days of the court’s signing the Decree. The beneficiary must pay the entire premium of the continued coverage; the employer makes no contribution.

STEP 1: READ THE PAPERS PETITIONER SERVED ON YOU

Petitioner should have filed the following papers with the court and served them on you. Read and make sure you understand *everything* Petitioner served on you.

Summons
 Petition
 Affidavit on Minor Children (may be in the Petition)
 Decree
 Preliminary Injunction
 Notice on Parent Information Class

Parent Information Class Registration Form
 Parent's Worksheet for Child Support Amount
 Child Support Order
 Order of Assignment
 Notice Regarding Community Debts

STEP 2: DETERMINE HOW LONG YOU HAVE TO RESPOND

See the table below for how long you have to file a written response to the Petition. Find the date in the "After" column on a calendar. Start counting on the next day. Count off the days in the "Count" column, including weekends and holidays. If you want to file a response, you must do so by the last date you counted, unless it's a weekend or court holiday, in which case you must do so by the next workday.

Where Were the Papers Served?	How Were the Papers Served?	Count:	After:
In AZ*	Acceptance of Service	20 days	You sign the Acceptance of Service
	Process Server	20 days	You receive the papers from the process server
	Sheriff or Tribal Law Enforcement	20 days	You receive the papers from the officer
Outside of AZ	Acceptance of Service	30 days	You sign the Acceptance of Service
	Certified Mail	30 days	You sign the green card
	Process Server	30 days	You receive the papers from the process server
	Sheriff or Tribal Law Enforcement	30 days	You receive the papers from the officer
I Don't Know	Publication	30 days	30 days after the first publication

***If the Papers Were Served on an Indian Reservation in Arizona:** Depending on the facts and circumstances of the case, there *may* be more days for you to respond. An attorney can advise you.

STEP 3: DECIDE HOW TO PROCEED

If Respondent Agrees with Everything in the Petition:

Respondent can: Not respond. Respondent may sign the Decree before the hearing to show the court he/she agrees. Respondent will lose the right to object to anything. See an attorney for other options.

Then Petitioner can: File for default. See the Self-Help Center packet *Filing for Default*.

The case will end: At a default hearing (unless Respondent files a Response within the default grace period).

If Respondent Disagrees with Something in the Petition:

Respondent can: File a Response.

Then either spouse can: Ask the court to schedule a trial if the court does not automatically schedule a hearing. See the Self-Help Center packet *How to Set Your Case for Trial*.

The case will end: At a trial.

If Respondent Fails to Respond on Time:

Petitioner can: File for default. See the Self-Help Center packet *Filing for Default*.

The case will end: At a default hearing (unless Respondent files a Response within the default grace period).

If Spouses Come to an Agreement After Respondent Files a Response:

Spouses can: See the Self-Help Center packet *Stipulation*.

The case will end: At a 15-minute hearing.

If Respondent Does Not File a Response, and Spouses Come to an Agreement Different from the Petition:

Spouses can: Fill out and sign a new Decree. File the new Decree with a note saying it is the most current Decree and both spouses signed it.

Then Petitioner can: File for default. See the Self-Help Center packet *Filing for Default*.

The case will end: At a default hearing (unless Respondent files a Response within the default grace period).

**STEP 4: IF RESPONDENT FILES A RESPONSE:
SEE FAMILY LAW RULES 49 AND 66**

If Respondent files a Response, you must meet the requirements of Rule 49, on disclosure, and Rule 66, on alternative dispute resolution, in the Arizona Rules of Family Law Procedure.

STEP 5: READ THE CONCILIATION COURT FACT SHEET

If you want to apply for counseling or mediation, see the Self-Help Center packet *Conciliation Court: Asking for Counseling or Mediation Services Before You Get a Court Order*. If you want to file a Response, you must do so before the default deadline even if you file for Conciliation Court.

**STEP 6: IF YOU DISAGREE WITH THE CUSTODY OR PARENTING TIME ASKED FOR IN THE PETITION:
DECIDE ON CUSTODY AND PARENTING TIME**

You will enter the custody and parenting time you want on the Response.

Joint Legal Custody: Both parents must want joint custody and agree on all major issues regarding parenting time, education, religion, and medical decisions. The court will not order joint custody if the court determines there has been significant domestic violence. Joint legal custody does not necessarily mean equal parenting time and does not diminish either parent's responsibility to pay child support.

Sole Legal Custody: The parent with sole custody will make the major decisions in the children's lives. Parents still must exchange health care, school, and other important information about the children, and the parent without sole custody can usually get the information directly from the medical providers and schools.

Parenting Time: For both joint and sole custody, use the MODEL PARENTING TIME PLANS in this packet to develop a parenting time plan appropriate for your family. If unsupervised parenting time would seriously endanger the children, you may request supervised or no parenting time for the other parent. There must be good reasons for these extreme restrictions, such as sexual crimes, child abuse or domestic violence, persistent drug or alcohol abuse, or serious mental or physical problems that make parenting risky or impossible. If you request supervised parenting time, decide who will supervise and who will pay for the supervision if payment is necessary.

**STEP 7: IF YOU DISAGREE WITH THE CUSTODY ASKED FOR IN THE PETITION AND YOU AND THE OTHER PARENT WANT JOINT CUSTODY:
FILL OUT THE PARENTING PLAN JOINT CUSTODY AGREEMENT**

See the INSTRUCTIONS: PARENTING PLAN JOINT CUSTODY AGREEMENT in this packet.

**STEP 8: IF YOU DISAGREE WITH THE DIVISION OF PROPERTY OR DEBTS ASKED FOR IN THE PETITION:
DECIDE HOW TO DIVIDE PROPERTY AND DEBTS**

You will enter how you want to divide property and debts on the Response.

Community Property and Debts: In general, community property is property (other than a gift or inheritance to one party) that you and your spouse acquire after you were married and before one spouse serves divorce papers on the other. See the Petition for a list of types of community property. One type of community property is retirement benefits (pension/retirement fund/profit sharing/stock plans/401k). Division of retirement benefits is a complicated area of the law. After the judge divides the retirement benefits, you will have to contact an attorney, accountant, or company representative to get the documents needed to access the retirement monies.

In general, community debts are debts you and your spouse acquire after you were married and before one spouse serves divorce papers on the other, no matter who spent the money. Generally, the court will order a fair division and will not give most or all of the property or debts to one spouse. If you and/or your spouse still owe money on a piece of property, the court will probably give that debt to the same spouse who gets that property. You may ask that real property be sold and the proceeds divided between you and your spouse. Community property and debts you fail to list on the Petition will be considered still owned or owed by both you and your spouse.

Separate Property and Debts: In general, separate property is property you or your spouse acquire before you were married, after one spouse serves divorce papers on the other, or as an inheritance or gift to one party. Separate property may become commingled community property in some circumstances.

In general, separate debts are debts you or your spouse acquire before you were married or after one spouse serves divorce papers on the other.

The court usually will confirm that your separate property and debts are yours and your spouse's separate property and debts are your spouse's.

**STEP 9: IF YOU DISAGREE WITH THE DIVISION OF TAX DEPENDENCY EXEMPTIONS ASKED FOR IN THE PETITION:
DECIDE HOW TO DIVIDE TAX DEPENDENCY EXEMPTIONS**

You will enter how you want to divide your tax dependency exemptions on the Response.

The court generally will divide these exemptions in proportion to the income on the Child Support Order. If you and the other parent have only one child and about the same income, one parent should take the deduction on even numbered years and the other on odd numbered years. If you have more than one child, each parent may take one child each year and alternate a third or fifth child. If the parent paying child support is not current on all child support by the end of the year, they will forfeit the deduction to the other parent.

Also read about dividing these exemptions in the Arizona Child Support Guidelines in this packet. An accountant can explain the federal law on dividing exemptions.

**STEP 10: IF YOU DISAGREE WITH THE CHILD SUPPORT ASKED FOR IN THE PETITION:
FILL OUT THE PARENT'S WORKSHEET FOR CHILD SUPPORT AMOUNT**

See the INSTRUCTIONS: PARENT'S WORKSHEET FOR CHILD SUPPORT AMOUNT and the ARIZONA CHILD SUPPORT GUIDELINES in this packet.

**STEP 11: IF YOU FILLED OUT THE PARENT'S WORKSHEET FOR CHILD SUPPORT
AMOUNT:
FILL OUT THE CHILD SUPPORT ORDER**

- (1) Enter your name; street address; city, state, and zip code; and phone number.
- (2) Enter Petitioner's name and birthdate.
- (3) Enter Respondent's name and birthdate.
- (4) Enter the case number if you have one.
- (5) If you're asking the court to change child support or stop or change a wage assignment, enter your ATLAS number.
- (6) Enter the mother's name, father's name, and each child's name and birthdate.

**STEP 12: IF YOU FILLED OUT THE PARENT'S WORKSHEET FOR CHILD SUPPORT
AMOUNT:
FILL OUT THE ORDER OF ASSIGNMENT**

- (1) Enter your name; street address; city, state, and zip code; and phone number.
- (2) Enter Petitioner's name.
- (3) Enter Respondent's name.
- (4) Enter the case number if you have one.
- (5) If you're asking the court to change child support or stop or change a wage assignment, enter your ATLAS number.
- (6) Enter the name and Social Security Number of the parent who is to pay child support.

**STEP 13: IF YOU FILLED OUT THE PARENT'S WORKSHEET FOR CHILD SUPPORT
AMOUNT:
FILL OUT THE CURRENT EMPLOYER INFORMATION FORM**

- (1) Enter the case number if you have one. If you're asking the court to change child support or stop or change a wage assignment, enter your ATLAS number. Enter the name and Social Security Number of the parent who is to pay child support.
- (2) Enter the payroll address, city, state, zip code, phone number, and fax number of the current or previous employer the Order of Assignment is going to.
- (3) Enter your name and the date.

**STEP 14: IF YOU DISAGREE WITH THE DIVISION OF PROPERTY OR DEBTS ASKED FOR
IN THE PETITION:
FILL OUT EXHIBIT A**

- (1) Check the box indicating whether you and your spouse have community property.

- (2) For the community real property, list the address, legal description on the deed (example: "Lot 77, Pine Tree Acres, According to Book 111 of Maps"), and equity (value minus debts). If you want it to go to you or spouse, check the box indicating who should get it. If you want it sold, check the box, and enter what percent of the net proceeds should go to each spouse.

Note: Be thorough and specific when describing community property. For example, under Household Furnishings, you could say "blue and white living room sofa". Use brand and model names and serial numbers wherever possible.

- (3) For each community bank account, list the bank's name and last four digits of the account number, check the box indicating who should get it, and list the balance.
- (4) For each piece of community furniture, list the description, check the box indicating who should get it, and list the value for which it could be sold.
- (5) For each community furnishing, list the description, check the box indicating who should get it, and list the value for which it could be sold.
- (6) For each piece of community property not covered above, list the description, check the box indicating who should get it, and list the value for which it could be sold.
- (7) For each community motor vehicle, list the make, model, lienholder, last four digits of the vehicle identification #, and amount owed; check the box indicating who should get it; and list the value for which it could be sold.
- (8) For each community retirement benefit, enter the fund name and the last four digits of the account number, the name on the account, and its value. Check the box indicating how you want the funds divided. If you check Option 3, enter the percentage of each account that should go to each spouse.
- (9) Check the box indicating whether you and your spouse have community debts. For each community debt, list the creditor and the last four digits of the account or credit card number, check the box indicating to whom it should be assigned, and list the amount owed.
- (10) Check the box indicating whether you and/or your spouse have separate property. For each piece of separate property, list the description, check the box indicating who should get it, and list the value for which it could be sold.
- (11) Check the box indicating whether you and/or your spouse have separate debts. For each separate debt, list the creditor and the last four digits of the account or credit card number, check the box indicating to whom it should be assigned, and list the amount owed.
- (12) Sign in front of a notary.

STEP 15: FILL OUT THE RESPONSE TO PETITION FOR LEGAL SEPARATION WITH CHILDREN

- (1) Enter your name; street address; city, state, and zip code; and phone number.
- (2) Enter Petitioner's name as it appears on the Petition.
- (3) Enter your name as it appears on the Petition.
- (4) Enter the case number as it appears on the Petition.
- (5) If you disagree with the custody asked for in the Petition, check the box.
- (6) Enter Petitioner's name; street address; city, state, and zip code; birthdate; phone number; and job title. Enter the number of years and/or months Petitioner has lived in Arizona in a row to date. If Petitioner doesn't live in Arizona now, check the box indicating whether Petitioner lived in Arizona at some time during your marriage.
- (7) Enter your name; street address; city, state, and zip code; birthdate; phone number; and job title. Enter the number of years and/or months you have lived in Arizona in a row to date. If you don't live in Arizona now, check the box indicating whether you lived in Arizona at some time during your marriage.
- (8) Enter the date and location of your marriage.
- (9) Check the box indicating whether the conciliation provisions have been met or do not apply. (See the Conciliation Court Fact Sheet in this packet.)

- (10) Check the box indicating whether you have a covenant marriage (if you don't know, see your marriage license or the Self-Help Center brochure *Covenant Marriage in Arizona*). If yes, attach a copy of your marriage license.
- (11) Check the box indicating whether 1) you want a legal separation, 2) you do not want a legal separation but you do want a divorce, or 3) you do not want a legal separation or a divorce because you do not believe your marriage is irretrievably broken.
- (12) Check the box indicating whether you and/or Petitioner lived in Arizona, or Petitioner was stationed in Arizona while a member of the Armed Forces, on the date Petitioner filed the Petition.
- (13) Check the box indicating whether the wife is pregnant. If yes, enter the baby's due date, and check the box indicating whether the husband is believed to be the father.
- (14) For each biological or adopted child of you and Petitioner together, enter the name and birthdate, and list the addresses where the child lived during the last five years, the years they lived there, and all persons with whom they lived.
- (15) Check the box indicating whether you have participated in a court case about the custody or parenting time of any of the children (including dependency and guardianship). If yes, enter the child's name, the case number, the court's name, the date of any child custody determination, and a summary of any court orders. If you don't know all the details, call the court where the case occurred and get the case number and court's address.
- (16) Check the box indicating whether another court case involving any of the children, but not about custody or parenting time, could affect this case, including cases about child support, enforcement of court orders, domestic violence, protective orders, adoption, terminating parental rights, and criminal matters. If yes, enter the child's name, case number, and court name, and check the box indicating what the case is about. If you check "other", explain.
- (17) Check the box indicating whether someone other than you or the other parent has physical custody or claims rights of legal or physical custody or visitation with any of the children. If yes, enter the child's name, other person's name and address, and nature of the claim.
- (18) Check the box indicating whether Arizona Child Support Enforcement has been involved in establishing spousal maintenance for you or the other parent or paternity or child support for any of the children. If yes, enter the child's name if applicable, the court's name, and the case number.
- (19) If you said anything in the section called "Minor Children of the Marriage" that is different from what Petitioner said in the Petition, summarize those differences.
- (20) If you want a legal separation, check the box.
- (21) If you want a divorce, check the box, and check the box indicating whether you and/or Petitioner have lived in Arizona for at least 90 days.
- (22) If any of the following is true, check the box, and check each box that applies: 1) you have a covenant marriage; 2) the Petition claims your marriage is irretrievably broken, but it is not; or 3) neither you nor Petitioner lived in Arizona on the date Petitioner filed the Petition.
- (23) If you agree with the custody and parenting time Petitioner asked for in the Petition, check the box. If you do not agree with the custody or parenting time Petitioner asked for in the Petition, fill in the rest of the section called "Child Custody and Parenting Time", as follows.
 - (24) If you and the other parent want joint custody, check the box.
 - (25) If you want one parent to have sole custody, check the box. Check the box indicating who should have sole custody.
 - (26) If you checked sole custody and you want the non-custodial parent to have parenting time, check the box, and enter the details of the parenting time plan.
 - (27) If you checked sole custody and you want restrictions on the parenting time you described above, check the box. Enter why unrestricted parenting time would endanger the children. Enter the name of the person who will supervise parenting time. Enter the restrictions. Check the box indicating whether the cost of supervision will be paid by the parent being supervised, by the custodial parent, or equally by both parents.

- (28) If you checked sole custody and you want the non-custodial parent to have no parenting time, check the box. Enter why parenting time would endanger the children.
- (29) If you agree with the child support Petitioner asked for in the Petition, check the box.
- (30) If you do not agree with the child support Petitioner asked for in the Petition, check the box indicating who should pay child support and when you want the child support obligation to begin. If you check “the date of our physical separation”, enter that date.
- (31) If you agree with the division of children’s insurance and health care expenses Petitioner asked for in the Petition, check the box.
- (32) If you do not agree with the division of children’s insurance and health care expenses Petitioner asked for in the Petition, check the box indicating who should pay for the children’s insurance.
- (33) Spousal support is paid by one spouse to another when the other meets at least one requirement listed in the section of the Response called “Spousal Support”. If you agree with the spousal support Petitioner asked for in the Petition, check the box.
- (34) If you do not agree with the spousal support Petitioner asked for in the Petition, check the box indicating whether the court should order spousal support. If so, check the box indicating who should receive the support, enter the amount to be paid monthly, and check the box next to each requirement that spouse meets. If you want the support to end before the receiving party is remarried or deceased, enter the date the support will end.
- (35) If you agree with the division of property and debts Petitioner asked for in the Petition, check the box.
- (36) If you do not agree with the division of property and debts Petitioner asked for in the Petition, check the box.
- (37) If you filled out Exhibit A, summarize how it is different from what Petitioner asked for in the Petition.
- (38) If you agree with the tax status and tax exemptions Petitioner asked for in the Petition, check the box. If you do not agree with the tax status or tax exemptions Petitioner asked for in the Petition, fill in the rest of the section called “Taxes”, as follows.
- (39) Enter how you want to file your taxes in the years before the judge signs the Decree. If you have questions, you should see a lawyer or accountant or contact the Internal Revenue Service (IRS).
- (40) Enter how you want your income tax dependency exemptions divided.
- (41) Enter any other orders you want the court to issue.
- (42) Sign in front of a notary.

STEP 16: FILE THE FOLLOWING WITH THE COURT

- ☐ Response to Legal Separation with Children, with the following attached if applicable:
- ☐ Exhibit A
 - ☐ A copy of your marriage license
- ☐ Parenting Plan Joint Custody Agreement, if applicable
- ☐ Parent’s Worksheet for Child Support Amount, if applicable
- ☐ Child Support Order, if applicable
- ☐ Order of Assignment, if applicable
- ☐ Current Employer Information, if applicable

There is a fee to file the Response.

STEP 17: DELIVER COPIES TO PETITIONER

On the day you file the Response, mail or hand-deliver a copy of each form listed above to Petitioner (mail or hand-deliver them to Petitioner’s attorney if Petitioner has one).

**STEP 18: IF EITHER PARENT IS A CLIENT OF CHILD SUPPORT ENFORCEMENT:
DELIVER COPIES TO CHILD SUPPORT ENFORCEMENT**

Mail or hand-deliver a copy of each form listed above to Assistant Attorney General, Child Support Enforcement, 2323 N. Walgreen St., Ste. 100, Flagstaff, AZ 86004.

**STEP 19: IF YOU LIVE IN COCONINO COUNTY BUT NOT IN PAGE:
FILL OUT AND MAIL THE PARENT INFORMATION CLASS REGISTRATION
FORM PETITIONER SERVED ON YOU**

- (1) Enter the case number as it appears on the Petition.
- (2) Check the box indicating whether there is a dispute regarding custody or parenting time.
- (3) Enter the number of children under age 18 listed on the Petition.
- (4) Enter Petitioner's name, address, and home and work phone numbers. Enter Petitioner's attorney's name if Petitioner has one.
- (5) Enter Respondent's name, address, and home and work phone numbers. Enter Respondent's attorney's name if Respondent has one.
- (6) If you want to attend class with the other parent, enter your and the other parent's name. Otherwise, leave blank.
- (7) If you want to attend class with the other parent, date and sign. If you want to attend separate classes, do not date or sign.

Mail the form to the Guidance Center at the address on the Registration Form. Keep a copy for your records. The Guidance Center will notify you and the other parent of the times and dates of each of your Parent Information Classes.

**STEP 20: IF YOU LIVE IN PAGE OR OUTSIDE COCONINO COUNTY:
REGISTER FOR A PARENT INFORMATION CLASS**

See the NOTICE ON PARENT INFORMATION CLASS Petitioner served on you.

**STEP 21: AFTER YOU ATTEND THE PARENT INFORMATION CLASS:
FILE YOUR CERTIFICATE OF COMPLETION WITH THE COURT**

Get a certificate of completion from the class provider when you complete the Parent Information Class, and file it with the court.